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| 10/518,994 | 12/21/2004 | Michael Zaiser | LO29-020 | 7033 |
| 21567 7590 05/12/2008 | | | | |
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| EXAMINER | | | | |
| RACHUBA, MAURINA T | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3723 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,994

Applicant(s)

ZAISER, MICHAEL

Examiner

Maurina Rachuba

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-22 and 24-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-22 and 24-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 22 February 2008 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 29 and 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no disclosure that the collet chuck is in physical contact with the connecting material.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 21, 22, 24-28 and 32-37 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Allen et al, 2,879,632. '632 discloses an adapter part for aligning spectacle lenses, the adapter part comprising: an alignment reference structure **14** extending from a surface of the adapter part, the alignment reference structure configured to position a first holder **51** relative the adapter part; and markings **126** configured to align said spectacle lenses relative other structures; the alignment reference structure comprises a transverse web (in that **14** extends transverse to a surface of the lens); the transverse web is arranged in a cavity in a side of the adapter part. Note jaws **54**, defined by '632 as collet jaws and part of a chuck, and therefor into a collet chuck, which are in physical contact with the holder. Note that the markings, in extending around the circumference of the adaptor, constitute "cross hairs".

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-20, and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mandler, 5,951,376 in view of Allen et al, 2,879,632. '376 discloses a method for aligning a spectacle lens, comprising providing a lens comprising a machined first side and a second side, the second side secured to a first holder by connecting material, (the

seal and vacuum are the connecting material, in that together they connect the lens to the holder, lacking further defining limitations); positioning the first holder relative to an adapter part, and aligning the lens relative to the second holder; connecting the lens to the second holder, inserting the holder in a retaining device and removing the first holder, the connecting material and adapter from the lens; removing the first holder together with the adapter; . '376 does not disclose the adapter part comprising an alignment reference and a marking, where the positioning comprises aligning the first holder relative to the reference and the second holder using the marking; that the positioning of the first holder comprises using a collet chuck in physical contact with the first holder, or that the lens is an organic progressive lens. In a lens blocking device, '632 teaches using an adapter part for aligning spectacle lenses, the adapter part comprising: an alignment reference structure **14** extending from a surface of the adapter part, the alignment reference structure configured to position a first holder **51** relative to the adapter part; and markings **126** configured to align said spectacle lenses relative to other structures. Note jaws **54**, defined by '632 as collet jaws and part of a chuck, and therefor into a collet chuck, which are in physical contact with the holder. Because both references teach method of holding a lens block for processing a lens, it would have been obvious to one of ordinary skill to have substituted the adapter of '632 for that of '376, for the predictable result of accurately aligning the lens with the second holder. Regarding the organic progressive lens, the examiner takes Official notice that such lenses exist, and are machined using lens blocks. It would have been obvious to have provided the method of '376 with such a known lens, for the predictable result of

machining the lens. Regarding claims 29 and 32, there is no disclosure that the collet is in physical contact with the connecting material. It is not clearly understood how the chuck jaws are in contact with a thin layer of adhesive between the lens and the holder. As such cannot be understood, it cannot be rejected under an art rejection.

Response to Arguments

7. Applicant's arguments with respect to claims 16-22, and 24-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maurina Rachuba whose telephone number is 571 272 4493. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571 272 4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Rachuba/
Primary Examiner, Art Unit 3723